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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/763,788

01/23/2004

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TAN-2-1401.05.US

7918

24374 7590 07/16/2008

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EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

07/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Amendment

1. The reply filed on 04/07/08 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant states that new claims 50-198 are directed towards the originally elected invention and has canceled claims 48-49. Examiner disagrees. The original subject matter of claims 3-47 (previously cancelled 6/25/07) are directed towards a base station using CDMA that comprises a bandwidth management module which reallocates at least one traffic portion from a first digital communication path to a second digital communication path wherein the reallocated traffic portion appears as though it is still continuously available to the first digital communication path.

The instant invention is specifically drawn toward a CDMA user device comprising a controller which is operable in conjunction with CDMA transceiver to facilitate simultaneous use by the CDMA transceiver of a plurality of reverse traffic channels associated with the packet data communication session, wherein a state of at least one protocol layer above the physical layer is maintained during the packet data communication session after the plurality of reverse traffic channels have been released.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOY K. CONTEE whose telephone number is (571)272-7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571.272.7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

/Joy K Contee/
Patent Examiner (PSA), Art Unit 2617